

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 21-cr-20283

v.

Judith E. Levy
United States District Judge

Ken Kenyatta Wilson,

Mag. Judge David R. Grand

Defendant.

_____/

ORDER FOR EVALUATION UNDER 18 U.S.C. § 4246

The Court previously ordered, pursuant to 18 U.S.C. § 4241(d), that Defendant Ken Kenyatta Wilson be committed to the custody of the Attorney General of the United States to determine whether there was a substantial probability that in the foreseeable future Wilson would attain the capacity to permit the proceedings against him to go forward. (ECF No. 22.) Wilson has spent considerable time at the United States Medical Center for Federal Prisoners in Springfield, Missouri, undergoing competency restoration efforts and evaluation. Psychologist Elizabeth A. Tyner prepared a Competency Report under 18 U.S.C. § 4241(d) that is dated February 29, 2024. Dr. Tyner opines

that (1) Wilson's symptoms of a mental condition have improved with medication but continue to significantly interfere with his competency to proceed, and (2) Wilson is unlikely to be restored to competency within the foreseeable future.

On March 11, 2024, the Court held a hearing on Wilson's competency under 18 U.S.C. § 4241, the status of the case, and what the Court should do next. Both the government and defense counsel concur with the findings of Dr. Tyner. Because Wilson has received a period of treatment under 18 U.S.C. § 4241(d) and his mental condition has not improved to the extent that proceedings may go forward, it is necessary that Wilson again be committed to the custody of the Attorney General for further evaluation under 18 U.S.C. § 4246. Accordingly,

IT IS ORDERED that the Court finds that Wilson is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense. *See* 18 U.S.C. § 4241(d). Wilson's mental condition has not so improved as to permit the proceedings to go forward, and there is no probability that

Wilson will regain competence to allow the proceedings to go forward in the foreseeable future. *See id.*

IT IS FURTHER ORDERED that pursuant to the final provision of 18 U.S.C. § 4241(d), Wilson shall forthwith be committed to the custody of the Attorney General or his authorized representative for further evaluation under 18 U.S.C. § 4246. Pursuant to 18 U.S.C. § 4247(b), this period shall not exceed forty-five days. The Court recommends that Wilson remain at the United States Medical Center for Federal Prisoners in Springfield, Missouri, for the purpose of conducting the evaluation.

IT IS FURTHER ORDERED that if, under 18 U.S.C. § 4246(a), the director of the facility where Wilson is hospitalized certifies that Wilson suffers from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to the property of another, that certificate shall be filed in the district where Wilson is hospitalized. 18 U.S.C. § 4246(a).

IT IS SO ORDERED.

Dated: March 15, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 15, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager